STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 2	5186	PERMIT	18225	LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT

WHEREAS:

- 1. Permit 25186 was issued to Francis Ford Coppola and Eleanor Neil Coppola on May 1, 1981 pursuant to Application 25186.
- 2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
- 3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
- 4. Permit Condition 11 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE

December 31, 1990 (0000008)

2. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE

December 31, 1992 (0000009)

3. Condition 11 of this permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the

water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated:

MARCH 1 5 1990

Walter G Pettit, Chief Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS

ORDER

25186	18225	LICENSE
APPLICATION	PERMIT	LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

- 1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
- 2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE

December 1, 1987 (00000%)

COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE

December 1, 1988 (0000009)

2. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions

so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses (0000012) protected by the public trust.

3. Paragraph 19 of this permit is deleted. A new paragraph 19 is added as follows:

Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel or provide other means satisfactory to the State Water Resources Control Board in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Before starting construction permittee shall submit plans and specifications of the outlet pipe or other alternative to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir permittee shall furnish evidence which substantiates that an outlet or other alternative has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

MAY 13 1985

Dated:

Raymond Walsh, Chief Division of Water Rights

STATE OF CALIFORNIA THE RESOURCES AGENCY STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18225

Application 25186	of FRANCIS FORD CO	PPOLA AND E	LEANO	R NE I	L CO	PPO	LA			
P. O. BOX 208, RUTHER	RFORD, CALIFORNIA 94573		********							
filed on OCTOBER 26, Board SUBJECT TO VEST	1976 , has	s been approve tions and cond	d by th	e State f this I	· Wat Permi	er R	lesource	es Control		
	rized to divert and use water as									
1. Source:				Tribut	aru t	٥٠				
BEAR CANYON CREEK	Tributary to:									
THUN NUMBER										
		NA PA RIVER THENCE								
		SAN PABLO BAY								
								·		
		10		 	- i		1	T		
2. Location of point of div	version:	40-acre subd of public land or projection	Sect		own- ship	Range	Base and Meridan			
NORTH 580 FEET AND EACORNER OF SECTION 17	ST 1,620 FEET FROM SW	se1/4 of sw1/		1	7	7n	5w	MD		
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<u> </u>										
										
County of NAPA										
			1	T	<u> </u>	Т	Base			
3. Purpose of use:	4. Place of use:		Section	Town- ship	Rang	- 1	and feridan	Acres		
FIRE PROTECTION										
RECREATIONAL		BEAR CANYON RESERVOIR IN SE1/4 OF SW1/4		7n	5w	,	MD	, i		
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5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 18 ACRE-FEET PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO MAY 15 OF THE SUCCEEDING YEAR.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006) SAKAHAMAMIKIKAKAKAKAKAKAKHIKAHAMIKAHAMAKAKKKAWAKIKKAK KAKAHHAKIKIKIKAKHIKAKHIKAKINIKAKAKIKAKAK

(00000008) Construction work shall be completed on or before DECEMBER 1, 1984.

- 8. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1985. (OCCOMP)
- 9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (00000010)
- 10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with 100000011) the terms of this permit.

1.1. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the rabbit water than the state water resources.

diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

- 12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.
- 13. AFTER THE INITIAL FILLING OF THE STORAGE RESERVOIR, PERMITTEE'S RIGHT UNDER THIS PERMIT EXTENDS ONLY TO WATER NECESSARY TO KEEP THE RESERVOIR FULL BY REPLACING WATER LOST BY EVAPORATION AND SEEPAGE, AND TO REFILL IF EMPTIED FOR NECESSARY MAINTENANCE (*0*000040) OR REPAIR. SUCH RIGHT SHALL BE EXERCISED ONLY DURING THE DIVERSION SEASON.
- 14. THIS PERMIT IS SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD TO REDUCE THE AMOUNT OF WATER NAMED IN THE PERMIT UPON A FINDING BY THE BOARD THAT THE AMOUNT IS IN EXCESS OF THAT REASONABLY NEEDED TO BE HELD IN STORAGE FOR THE AUTHORIZED USES. NO ACTION WILL BE TAKEN BY THE BOARD WITHOUT PRIOR NOTICE TO THE (0000042) OWNER AND AN OPPORTUNITY FOR HEARING.
- FOR THE PROTECTION OF FISH AND WILDLIFE IN BEAR CANYON CREEK AND BALE SLOUGH THE PERMITTEES SHALL DURING THE PERIOD:
- (A) FROM NOVEMBER 1 THROUGH NOVEMBER 30 BYPASS A MINIMUM OF 0.5 CUBIC FEET PER SECOND.
- (8) FROM DECEMBER 1 THROUGH FEBRUARY 29 BYPASS A MINIMUM OF 7.5 CUBIC FEET PER SECOND.
- (c) FROM MARCH 1 THROUGH MAY 15 BYPASS A MINIMUM OF 2.3 CUBIC FEET PER SECOND. THE TOTAL STREAMFLOW INTO THE RESERVOIR SHALL BE BYPASSED WHENEVER IT IS LESS THAN THE (0140060) DESIGNATED AMOUNT FOR THAT PERIOD.

- **Permit**
- 16. THE PERMITTEES SHALL AFFORD THE DEPARTMENT OF FISH AND GAME AND ITS ASSIGNEES THE RIGHT TO TRESPASS ACROSS THEIR LANDS ALONG BEAR CANYON CREEK, NAPA COUNTY FOR THE FOLLOWING PURPOSES, AT REASONABLE, MUTUALLY CONVENIENT TIMES WITHOUT IMPAIRING THE PERMITTEES USE AND ENJOYMENT OF THEIR LANDS:
 - 1. TO PERFORM BIOLOGICAL SURVEYS ALONG BEAR CANYON CREEK TO ASSESS THE STATUS OF AQUATIC RESOURCES AND SUCCESS OF MANAGEMENT PROGRAMS.
 - TO INSTALL, MAINTAIN AND USE UPSTREAM MIGRANT FISH TRAPS IN BEAR CANYON CREEK BELOW THE PERMITTEES DAM LOCATED IN THE SE1/4 OF THE SW1/4 OF SECTION 17, T7N, R5W, MDB&M.
 - TO TRANSPORT AND PLANT ADULT AND JUVENILE STEELHEAD TROUT IN THE RESERVOIR AND STREAM ABOVE THE PERMITTEES! DAM. (0000999)
- THE PERMITTEES SHALL NOT COMMENCE CONSTRUCTION ACTIVITIES OR DIVERT WATER UNDER THIS PERMIT WITHOUT COMPLYING WITH THE REQUIREMENTS OF SECTION 1603 OF THE FISH AND GAME $(\infty \infty 63)$
- 18. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL PERMITTEES HAVE INSTALLED DEVICES, SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH ARE CAPABLE OF MEASURING THE FLOWS REQUIRED BY THE CONDITIONS OF THIS PERMIT. SAID MEASURING DEVICES SHALL BE PROPERLY MAINTAINED. (0060062)
- 19. PERMITTEE SHALL INSTALL AND MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIR WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED. (0050043)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code). of the State, of the (of the Water Code)

Dated:

MAY 1 1981

STATE WATER RESOURCES CONTROL BOARD

CHIEF, DIVISION OF WATER RIGHTS